



**United States Department of Justice
United States Attorney's Office
District of Minnesota**

**Frank J. Magill,
Acting United States Attorney**

David Anderson, Public Affairs Specialist
(612) 664-5684; cell: (612) 730-2251

News Release

FOR IMMEDIATE RELEASE
Tuesday, May 27, 2008

HealthEast agrees to comprehensive settlement to comply with the Americans with Disabilities Act

A large primary health care provider in Minnesota, HealthEast, today entered into a comprehensive settlement agreement with the United States and the Minnesota Department of Human Rights under which HealthEast agrees to comply with provisions of the Americans with Disabilities Act (ADA).

Under the settlement, HealthEast agrees to ensure that deaf and hard-of-hearing patients will have 24-hour access to interpreters and other auxiliary aids and services and will ensure that its health care professionals provide effective communication to deaf and hard-of-hearing patients and their families. The agreement covers three hospitals owned and operated by HealthEast in Minnesota: St. Joseph's Hospital in St. Paul, St. John's Northeast Hospital in Maplewood, and Woodwinds Hospital in Woodbury.

"Effective communication between patients and medical staff is essential," said Acting U.S. Attorney Frank J. Magill. "This settlement ensures that deaf and hard-of-hearing patients are provided important and required accommodations when brought into our hospitals for medical assistance."

The settlement was reached in a case the U.S. Attorney's Office investigated regarding a complaint filed by a deaf Minnesota woman, who stated that she sought to have her mother transported from her nursing home in the early hours of May 8, 2004, to St. Joseph's Hospital in St. Paul for medical assistance. The woman, who was the conservator and power of attorney for her elderly mother, requested that the hospital provide her with a sign language interpreter so that she could make informed decisions regarding her mother's medical care.

The deaf woman stated in her complaint that she was told by staff at St. Joseph's Hospital that an interpreter could not be provided because it was "after hours." The woman wanted her mother admitted to St. Joseph's Hospital. Because no interpreter was available at night at St. Joseph's, the

deaf woman decided to wait until the next morning to have her mother transported to the hospital.

The following morning the woman again contacted St. Joseph's Hospital and explained that her mother would soon be transported from her nursing home to the hospital and that an interpreter would be needed. When they arrived at the hospital that morning, however, there was no interpreter present. The deaf woman again explained the situation and requested that an interpreter be made available to her. An interpreter was provided to the woman four hours after she arrived at the hospital – nearly 12 hours after she first requested an interpreter.

The deaf woman explained in her complaint that her mother remained hospitalized for two days and that during this period St. Joseph's Hospital did not routinely provide her with an interpreter for important communications with medical staff. She also stated that at her mother's discharge conference, in which important after-care instructions were provided, the hospital failed to provide her with an interpreter even though one had been requested.

The U.S. investigated the complaint and found reasonable cause to believe that HealthEast violated the ADA by failing to provide effective communication in a timely manner and that HealthEast lacked an effective protocol for arranging for interpreters during and after regular business hours.

The deaf woman also filed a complaint with the Minnesota Department of Human Rights, which also found probable cause to believe that HealthEast in this case violated the Minnesota Human Rights Act. The settlement reached today with HealthEast resolves both the ADA and the Minnesota Human Right Act complaints. HealthEast cooperated with the investigation of both complaints.

Under the settlement agreement, HealthEast will:

- designate a system-wide deaf and hard-of-hearing coordinator, who will provide overall coordination for the implementation of the settlement agreement and who will ensure that effective communication with deaf and hard-of-hearing patients is achieved throughout the HealthEast system.
- name a deaf and hard-of-hearing coordinator at each HealthEast hospital, who will coordinate the hospital's response to requests for auxiliary aids and services.
- identify a group of response team members at each HealthEast hospital, so that at least one of these employees is on call, 24-hours per day, seven days per week, to handle patient requests for auxiliary aids and services.
- conduct mandatory comprehensive ADA training of some 1,200 HealthEast employees who provide direct medical care to patients.
- rewrite its policy and procedures on effective communication to bring them into compliance with the ADA.
- develop patient and visitor information and brochures that are in forms that are accessible to deaf and hard-of-hearing patients. This information must inform the deaf and hard-of-

hearing patients that auxiliary aids and services, like sign language interpreters, are provided free of charge.

- submit compliance and statistical reports to the U.S. Attorney's Office for the next two years regarding requests by patients for auxiliary aids and services.

This is the second comprehensive ADA settlement reached by the U.S. Attorney's Office with a major hospital chain in Minnesota. The first, a consent decree with Fairview Health System, was signed by a federal judge in December 2004. The three-year compliance period under that consent decree recently concluded.

The U.S. was represented in the HealthEast case by Assistant U.S. Attorney Greg Brooker.

"We are pleased that we have been able to reach an agreement with HealthEast that addresses what we believe is a significant problem for deaf and hard-of-hearing patients and family members in hospitals throughout the state," said Commissioner of Human Rights Velma Korbel. "When a hospital fails to provide access to qualified interpreters and other essential services, a deaf or hard-of-hearing person may have to make critical health decisions without being able to adequately communicate with medical providers."

--30--